

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

GARY R. ELLIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:16-CV-154
	)	
CAVALRY SPV 1, LLC,	)	
CAVALRY PORTFOLIO SERVICES, LLC,	)	
and GARNER & CONNER, PLLC,	)	
	)	
Defendants.	)	

**ORDER**

The undersigned discourages the filing of a motion pursuant to Federal Rule of Civil Procedure 12(b) if the defect can be cured by the filing of an amended pleading. Therefore, **IT IS ORDERED** that the parties must meet and confer prior to the filing of a motion to dismiss to determine whether the motion can be avoided. The duty to confer also applies to parties appearing *pro se*. Consequently, a motion to dismiss must be accompanied by a notice indicating that the parties have conferred to determine whether an amendment could cure a deficient pleading, and have been unable to agree that the pleading is curable by a permissible amendment.

**MOTIONS TO DISMISS THAT DO NOT CONTAIN THE REQUIRED CERTIFICATION ARE SUBJECT TO BEING STRICKEN.**

**IT IS FURTHER ORDERED** that *pro se* parties familiarize themselves with the Federal Rules of Civil Procedure and Local Rules for the Eastern District of Tennessee, which can be found on the Court's web site at [www.tned.uscourts.gov](http://www.tned.uscourts.gov).

**IT IS SO ORDERED.**

ENTER:

s/ Leon Jordan  
United States District Judge